

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**UNITED STATES OF AMERICA,**

Plaintiff,

**-vs-**

**Case No. 13-C-916  
(06-CR-164)  
(10-C-445)**

**DAVID W. HARRIS,**

Movant.

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**DECISION AND ORDER**

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David Harris keeps trying to find creative ways around the prohibition against second or successive motions under 28 U.S.C. § 2255. The Court keeps rejecting Harris' attempts. Harris' latest attempt is rejected for the same reasons that have been previously and repeatedly stated. Moreover, Harris is warned that if he files another successive motion, he will be sanctioned under Rule 11 of the Federal Rules of Civil Procedure. *Smith v. Gilmore*, 111 F.3d 55 (7th Cir. 1997).

The Clerk of Court is **DIRECTED** to open a separate civil 28 U.S.C. § 2255 action with Harris' motion [ECF No. 33], which is **DISMISSED** for lack of jurisdiction. The Court will not issue a certificate of appealability. Rule 11, Rules Governing Section 2255 Cases.

Dated at Milwaukee, Wisconsin, this 13th day of August, 2013.

**BY THE COURT:**

A handwritten signature in black ink, appearing to read 'Rudolph T. Randa', written over a horizontal line.

**HON. RUDOLPH T. RANDA**  
**U.S. District Judge**